

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS RIVERA,

Plaintiff,

9:05-CV-1379
(GLS/GHL)

v.

GLENN S. GOORD, Commissioner, NYS Department of Correctional Services; KENNETH S. PERLMAN, Supt., Mid-State Correctional Facility; G. KADIEN, Deputy Supt. of Security, Mid-State Correctional Facility; Lieutenant CASEY, Tier II Hearing Officer, Mid-State Correctional Facility,

Defendants.

APPEARANCES:

CARLOS RIVERA
Plaintiff, *pro se*

GEORGE H. LOWE, United States Magistrate Judge

ORDER

The Clerk has sent to the Court a civil rights complaint, together with an application to proceed *in forma pauperis*, filed by Carlos Rivera.¹ Plaintiff, who is incarcerated at Mid-State Correctional Facility, has not paid the filing fee for this action.

In his *pro se* complaint, plaintiff asserts claims arising out of disciplinary proceedings conducted at Mid-State relating to incidents which occurred on August 11, 2005 and August 20, 2005. For a complete statement of plaintiff's claims, reference is made to the complaint.

As to plaintiff's application to proceed *in forma pauperis*, after reviewing the file, the

¹ Plaintiff has previously filed two civil rights actions in this District. See *Rivera v. Selsky*, 9:03-CV-1098 (FJS/DEP) (stipulation of dismissal filed 5/13/05); *Rivera v. Selsky*, 9:05-CV-0967 (TJM/GHL) (pending).

Court finds that plaintiff may properly proceed with this matter *in forma pauperis*.

WHEREFORE, it is hereby

ORDERED, that plaintiff's application to proceed *in forma pauperis* is granted.² The Clerk shall issue summonses and forward them, along with copies of the complaint, to the United States Marshal for service upon the defendants. The Clerk shall forward a copy of the summons and complaint by mail to the Office of the New York State Attorney General, together with a copy of this Order, and it is further

ORDERED, that the Clerk provide the Superintendent of the facility, designated by plaintiff as his current location, with a copy of plaintiff's authorization form, and notify the official that this action has been filed and that plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915, and it is further

ORDERED, that the Clerk provide a copy of plaintiff's authorization form to the Financial Deputy of the Clerk's Office, and it is further

ORDERED, that a response to the complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a**

² Plaintiff should note that although his application to proceed *in forma pauperis* has been granted, plaintiff will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing. Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in plaintiff's address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

Dated: December 13, 2005
Syracuse, New York


George H. Lowe
United States Magistrate Judge